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July 22, 1993

VIA TELEFAX

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Re: Nevada Power Company v. Monsanto Company, et al.
USDC, District of Nevada, Case CV-S-89-555-LDG-LRL

Dear Counsel:

Enclosed please find the July 22, 1993 4:00 p.m. draft of the master Stipulated Order that we are working on together. Unless you have further suggestions, I believe we are now in agreement on all items except No. 20, on which I still need to hear from Westinghouse and General Electric, and from Monsanto regarding specific language.

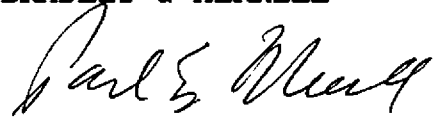
I am hopeful that I have all of your suggested changes in hand by 9:00 a.m. Nevada time, tomorrow, so that we may present this Stipulation to Judge Leavitt before he leaves for more than a week at noon.

All Defense Counsel
July 22 1993
Page 2

Because I will be busy preparing for a major issue that has come up with Monsanto, I would appreciate it if you would direct any responses to my legal assistant, Barbara Banks, who will collect your suggested changes and review them with me. I will return your calls if needed.

Sincerely,

BRADLEY & MERRELL

A handwritten signature in cursive script, appearing to read "Paul E. Merrell".

PAUL E. MERRELL
Coordinating Attorney

PEM:dd
cc: Michael Gallagher, Esq.
John Kim, Esq.

cvg\cor\counsel.104

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

NEVADA POWER COMPANY, etc.,
Plaintiff,
vs.
MONSANTO COMPANY, etc., et al.,
Defendants.

CASE CV-S-89-555-LDG (LRL)
STIPULATED ORDER
JULY 22, 1993 4 P.M. DRAFT

All parties to this action, through undersigned counsel, agree and stipulate that certain depositions noticed by the parties prior to July 23 either should occur or require further discussion among the parties:

A. The following depositions should be allowed to be taken following the July 23, 1993 fact deposition deadline. The parties should be instructed to meet and confer in good faith regarding the dates for the depositions.

1. Ron Lawrence, previously noticed by Nevada Power Company. (Already approved by existing order).
2. Raymond Paschke, previously noticed by Nevada Power Company. (Already approved by existing order).
3. Roger Wills, previously noticed by Nevada Power Company. (Already approved by existing order).
4. Robert Don McClain, previously noticed by Nevada Power Company. (Already approved by existing order).
5. Jeff Bair, personal capacity and 30(b)(6), previously noticed by Nevada Power Company. (Already approved by existing order.)
6. Completion of John Brown of G.E., previously noticed

by Nevada Power Company.

7. Subpoena deposition of Fluor Power Services, Inc., previously noticed by General Electric. (Nevada Power does not object to taking of deposition but reserves right to object at trial to use of documents obtained through subpoena duces tecum after deadline for written discovery)
8. Continuation of Dennis Schwehr deposition previously noticed by Monsanto.
9. Continuation of Plaintiff Nevada Power Company's March 12, 1993 Notice of taking deposition of defendant Westinghouse Electric Corporation pursuant to FRCP 30(b)(6) except as to subtopic "8" (eight) of "Attachment A." Nevada Power and Westinghouse stipulate that Westinghouse reserves its right under the Federal Rules of Civil Procedure to designate appropriate person or persons, and the parts of the notice to which those persons will respond, and that Nevada Power reserves its right to contest the adequacy of those designations. The parties contemplate that the deposition regarding topic "3" (three) of the notice would take place after the Court has had an opportunity to rule on Westinghouse's claim to privilege as to documents submitted in camera pursuant to Sections 4 and 5 of the Court's Order of July 16, 1993.
10. Subpoena duces tecum to Edison Electric Institute, previously noticed by Westinghouse (Nevada Power does

not object to taking of deposition but reserves right to object at trial to use of documents obtained through subpoena duces tecum after deadline for written discovery)

11. 30(b)(6) notice to Nevada Power regarding distribution systems, previously noticed by Westinghouse.

B. As to the following depositions, the parties have not agreed that they should be taken, are negotiating in good faith, but reserve the right to move for protective orders at a later time. The parties agree that the fact such depositions were not taken on or before July 23, 1993 should not be considered by the Court in ruling on such motions for protective orders. The parties should be instructed to meet and confer in good faith regarding the need for and/or dates of the depositions.

12. Manny Neal, previously noticed by Nevada Power Company.

13. 30(b)(6) notice to G.E. regarding document retention policies and practices with respect to PCB-related documents, previously offered by G.E. in lieu of taking the personal deposition of Manny Neal and subject to the agreement among counsel to reevaluate the need for Mr. Neal's deposition following completion of this 30(b)(6) deposition.

14. 30(b)(6) notice to G.E. regarding warnings, previously noticed by Nevada Power Company.

15. Dr. Emmett Kelly, previously noticed by Nevada Power Company.

16. Richard Mahoney, previously noticed by Nevada Power

Company.

17. 30(b)(6) notice to Monsanto regarding IBT (continuation of Levinskas portion), previously noticed by Nevada Power.

18. 30(b)(6) notice to Monsanto regarding Exhibits 422 and 1118 continuation regarding incorporated document claimed privileged.

19. 30(b)(6) notice to Nevada Power re G.E. interrogatories, previously noticed by General Electric.

UNDER DISCUSSION FOR INCLUSION IN STIP

20. Deposition of Custodian of Records for each party solely to authenticate documents and to determine their status under the Rules governing admissibility of hearsay evidence (to the extent the documents are not otherwise authenticated through agreement of the parties or responses to prior discovery requests seeking authentication/hearsay status). Approved by Monsanto and Nevada Power in principle, still open on specific language.

C. Notices on which Monsanto and Nevada Power are seeking guidance of Court regarding whether they belong in category A or category B above, but stipulated that they belong in one or the other, :

21. 30(b)(6) notice to Nevada Power re reliance, previously noticed by Monsanto.

22. 30(b)(6) notice to Nevada Power re property damages, previously noticed by Monsanto.

1 DATED: July __, 1993

BRADLEY & MERRELL
RALPH A. BRADLEY
PAUL E. MERRELL

4 By:

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Attorneys for Plaintiff
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corporation

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11 DATED: July __, 1993

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Attorneys for Defendants
MONSANTO COMPANY and
WESTINGHOUSE ELECTRIC CORPORATION

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21 DATED: July __, 1993

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Attorneys for Defendant
GENERAL ELECTRIC COMPANY

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IT IS SO ORDERED.

Magistrate Judge
United States District Court

DATED: _____

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FROM:

Paul Merrell

MATTER/MATTER NO.: Nevada Power v. Monsanto, et al., #11927.2

DOCUMENT(S) DESCRIPTION:

NUMBER OF PAGES (including cover page): 9

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003	B FEATHERSTONE	4:39PM	9'35"	9/ 9	EC SF	COMPLETED 4800
004	STEVEN KUNEY	4:43PM	2'06"	9/ 9	EC SF	COMPLETED 14400
002	BRUCE ALVERSON	4:59PM	2'40"	9/ 9	EC SF	COMPLETED END OF RESEND 9600
005	ARVIN MASKIN	5:02PM	3'26"	9/ 9	EC SF	COMPLETED 9600

TOTAL 0:22'02" 45

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